

Applicant: W. Wilhour
Application No.: 10/670,967
Examiner: Y. Horton

Remarks

Claims 1-20 are presented for the Examiner's review and consideration. Claim 1 has been amended. Applicant believes the claim amendments and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Allowed Claims

Applicant acknowledges with appreciation the indication that claims 2 and 12-20 are allowed.

35 U.S.C. §103 Rejection

Claims 1, 3-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,577,44 to Sanderson ("Sanderson") in view of U.S. Patent No. 6,427,407 to Wilson ("Wilson"). For the reasons set forth below, Applicant respectfully submits that this rejection should be withdrawn.

As discussed in the Response filed September 13, 2005, Sanderson discloses a decorative wall covering attached to a wall. The decorative wall covering includes a frame having a pair of side frame sections, and an upper and lower border member mounted perpendicular to the side frame sections. Decorative panels are mounted within the frame. Sanderson fails to disclose a post-framing system including laminated vertical support post having upper, lower, and middle vertical plies.

The Examiner acknowledges this but argues that although "Wilson does not teach ply members per se, he does; however, teach the use of support posts (12) having upper/lower ply members (14), and middle ply member (12a)". Applicant respectfully submits that Wilson fails to disclose a laminated vertical support posts each including a plurality of vertical ply members having an upper vertical ply member, a lower vertical ply member, and at least one middle vertical ply member.

Wilson discloses a method for constructing the walls of a building from prefabricated

Applicant: W. Wilhour
Application No.: 10/670,967
Examiner: Y. Horton

modular building panels. (Col. 3, Ins. 48-49). Referring to FIG. 1 of drawing, the panels 10 are constructed from two or more vertical studs 12 that are interconnected at their top and bottoms by horizontal tracks 14. (Col. 2, Ins. 50-53). A final component is the corner piece 20 shown in FIGS. 3 and 8. (Col. 4, Ins. 9-10). The corner piece has a plurality of vertical studs 12 which are interconnected at their tops and bottoms by horizontal tracks 14. (Col. 4, Ins. 11-13).

As such, Wilson discloses prefabricated modular building panels having vertical studs 12 and a horizontal tract 14. The vertical studs are interconnected at their tops and bottoms by the horizontal tracks. Accordingly, Wilson fails to disclose a modular building panel having a plurality of laminated vertical studs each including a plurality of vertical ply members having an upper vertical ply member, a lower vertical ply member, and at least one middle vertical ply member and therefore fails to overcome the deficiencies in Sanderson.

In contrast, the present invention discloses a building construction system. The construction system includes vertical laminated support posts each having upper, lower, and middle vertical plies. The upper and lower vertical plies are vertically attached to the middle vertical ply, where the middle vertical ply is interposed between the upper and lower vertical plies. The support posts are alternately positioned such that the lower vertical ply members are formed facing each other on alternating pairs of adjacent support posts and the upper vertical ply members are formed facing each other on alternating pairs of adjacent support posts. Sidewalls are mounted between support posts, where high sidewalls are set on the upper vertical plies and lower sidewalls are set on lower vertical plies. The system forms the support framing of a building, on which the outside siding, roof, and purling are attached. This is in contrast to Sanderson in view Wilson.

Independent claim 1 recites, *inter alia*, a post-framing system for building construction. The post framing system includes a plurality of laminated vertical support posts each including a plurality of vertical ply members having an upper vertical ply member, a lower vertical ply member, and at least one middle vertical ply member attached to and interposed between the upper vertical ply and the lower vertical ply members. The plurality of support posts are positionable to define a perimeter of a building, such that the lower vertical ply members of alternating pairs of adjacent support posts face each other. A plurality of low wall sections

Applicant: W. Wilhour
Application No.: 10/670,967
Examiner: Y. Horton

attached to the lower vertical ply members of alternating pairs of adjacent support posts and a plurality of high wall section attached to the upper vertical ply members of alternating pairs of adjacent support posts.

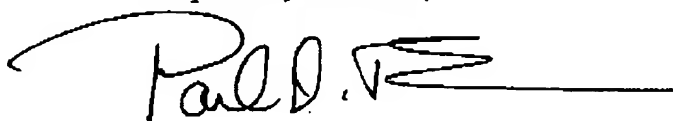
In light of the foregoing, independent claim 1 is respectfully submitted to be patentable over Sanderson in view of Wilson. As claims 3-11 depend from claim 1 these dependent claims necessarily include all the elements of their base claim. Accordingly, Applicant respectfully submits that the dependent claims are allowable over Sanderson in view of Wilson at least for the same reasons.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7984-A03-003).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul D. Bianco", followed by a long horizontal line.

Paul D. Bianco, Reg. # 43,500

Customer Number: 33771
Paul D. Bianco
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600; Fax: 305-830-2605
e-mail: pbianco@focusonip.com